

## **REMARKS**

Claims 102-126 have previously been indicated to be allowable. In the Office Action dated July 30, 2008, Claims 102-126 were rejected as anticipated by Solomon '591. The examiner's new rejection over Solomon is based on a misunderstanding of the disclosure of Solomon. Applicant respectfully requests withdrawal of the rejection and allowance of all claims.

### **Background**

The preset application is directed to a method of processing rebates. It is generally understood that a rebate requires a customer to take some action subsequent to a purchase transaction in order to receive a rebate (cash or otherwise.) The typical action is for the customer to request the rebate and provide evidence that the rebated product was actually purchased. A rebate presents a unique problem not associated with instant discounts and coupons (where credit is given at the point-of-sale), -- the customer must provide evidence after the fact that the rebated product was actually purchased. Customers who request rebates who have not actually purchased the rebated products present a huge fraud threat to the rebate processor. In the past, customers have been required to provide "UPC" codes from packages or other product specific codes in order to evidence that the rebated product was purchased.

### **Present Application**

The pending claims are directed to a method whereby an identifier which identifies the purchase transaction (but not the specific products) is assigned and provided

to the customer at the point of sale. Thus the customer is able to evidence his purchase of a rebated product solely from the submission of the assigned transaction identifier.

### **The Cited Art**

Solomon is directed to a method of rebate processing. However, “the transaction identifier” disclosed in Solomon and the use of that identifier is in stark contrast to the “transaction code” defined and used in the claims of the present application. In order to fully appreciate the difference, it is necessary to discuss the rebate procedure disclosed in Solomon.

Solomon requires first that the customer identify the product for which a rebate is requested. Solomon discloses that the customer initiates the rebate process by identifying the product purchased and submitting this information to a rebate processing center. (Col. 3, ll. 64-66). Fig. 6 provides an example of a website for selecting a purchased product. Once a product is selected, the rebate processing center provides a rebate request screen to allow the customer to provide information regarding the purchased product and the rebate. (Col. 8, ll. 45-51). Fig 7 provides an example of a web site for the customer to provide the information relating to a rebated product.

Next, the rebate processing center assigns a transaction identifier to the rebate request submitted by the customer and creates an entry in a transaction table. (Col. 6, ll. 63-65). Fig. 4 illustrates a transaction table containing transaction information organized in rows indexed by the transaction identifier, where each row represents a request for a rebate from a customer. (Col. 6, ll. 7-11). The customer is then provided with a rebate request form with a transaction identifier. (Col. 9, ll. 23-26). Fig 8 is an example of a

rebate request form that can be printed out by the customer containing the transaction identifier that a customer can use to affix the product UPC symbol and the cash register receipt to show proof that the rebated product was actually purchased. Upon receipt of the rebate request form from the customer, the rebate processing center attempts to match the rebate request form with the entry created in the transaction table using the transaction identifier. (Col. 13, ll. 63-66).

In summary, Solomon represents a prior art rebate processing system which requires the customer to provide identification of the specific product purchased in order to validate the rebate request. Note that the transaction identifier is assigned by the rebate processing center when a customer initiates a rebate request, and it is used for internal tracking purposes by the rebate processing center to match a submitted rebate request form to an entry in the transaction table.

### **The Claim Rejections**

Each of the independent Claims 102, 104, 110, 116, 121 and 124 includes the limitations of providing a customer with a transaction code identifying the purchase transaction in which a rebated product was purchased, and using the transaction code to validate that the rebated product was actually purchased. None of these claimed limitations are found in Solomon, and the examiner's rejection is based on a misunderstanding of the different meanings ascribed to the term "transaction code" as claimed in the present application, and the term "transaction identifier" as used in Solomon.

The present claims require that the transaction code be assigned during the purchase transaction and be provided to the customer. The customer then can provide the transaction code to a rebate processing center as proof that a purchase of a rebated product took place. The rebate processing center uses the transaction code to confirm from the records of the retailer that the rebated product was actually purchased in the transaction specified by the transaction code.

In contrast, Solomon discloses that a transaction identifier is assigned by the rebate processing center and is used for tracking purposes. The transaction identifier is not, and can not be used to confirm that a rebated product was actually purchased. For example, in Solomon a customer can submit a rebate request and receive a transaction identifier without first having actually purchased a product. Solomon discloses other methods for deterring a fraudulently submitted request, none of which is based on a transaction code assigned during the purchase transaction.

Thus, the claim limitations identified above are clearly missing and the rejection of the independent Claims 102, 104, 110, 116, 121 and 124 based on Solomon is improper. For the reasons described above, reconsideration and withdrawal of the rejection of independent Claims 102, 104, 110, 116, 121 and 124 is requested.

The remaining claims depend from their respective independent claims and are therefore allowable with their respective independent claims without regard to the further patentable limitations respectively recited therein.

Reconsideration and withdrawal of the rejections and the immediate allowance of the application is accordingly solicited.

Respectfully submitted,



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